

Jacob (James E. Horton)  
Indigent  
Email address: jakovos@gmail.com  
Pro se  
Calfresh Case Number: 341B4TN89

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES  
COUNTY OF SACRAMENTO, STATE HEARING DIVISION

)  
) State Hearing Division Case No.: 104736662  
Jacob ) LETTER OF DEMAND FOR PREHEARING  
(James E. Horton), ) DISCOVERY COMPULSION COMPLIANCE  
) ORDER  
) (CCR Title 2 § 60.3 )  
Claimant, )  
)  
vs. )  
)  
Department of Human Assistance )  
of Sacramento County, California, et al. )  
)  
Defendant, )  
)  
)

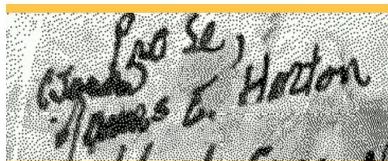
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TO THE ABOVE-ENTITLED COURT, AND TO THE DEPARTMENT OF HUMAN  
ASSISTANCE, COUNTY OF SACRAMENTO, CALIFORNIA:

PLEASE TAKE NOTICE that the Claimant, James E. Horton, hereby, Justly Demands that the judge compel discovery of the items previously (and also herein) requested of the Defendant on 04272021 and not delivered to Claimant. Those items are listed in the attached support of counsel below. This action is based on the attached supporting memorandum, all papers filed and records in this action, evidence accessible (for delivery in precedentially anomalous and exigent circumstances described within Claimant's previous pleadings on record) by Claimant's website at [www.bboip.wordpress.com](http://www.bboip.wordpress.com) by link to evidence casefile (web-page), "JCTF vs SACDHA et al" (or at URL: <https://bboip.wordpress.com/jctf-vs-sacdha-et-al/>).

Sincerely,

- Jacob (James E. Horton),  
Pro se, In forma pauperis



A handwritten signature in black ink on a yellow rectangular background. The signature reads "Jacob (James E. Horton)" with "50 Sc." written above it. Below the main name, there is some smaller, less legible handwriting.

## SUPPORTING MEMORANDUM

DISCOVERY REQUESTS HAVE ALREADY BEEN SERVED UPON THE DEFENDANT, AND THE DEFENDANT DID NOT DISCLOSE, PURSUANT TO CCR TITLE 2 § 59.1, BUT IS WITHHOLDING ITEMS

THE CLAIMANT JUSTLY DEMANDS SAID STATE HEARING DIVISION TO ORDER THE DEFENDANT TO DISCLOSE TO THE DEFENSE THE ITEMS LISTED BELOW. ALL OF THEM WERE REQUESTED FORMALLY of the DEFENDANT, BUT NONE HAVE BEEN DELIVERED TO THE DEFENSE (CCR Title 2 § 60.3).

The Defendant did not disclose any item requested by the Claimant in his discovery motion (Within 1. Letter of Demand for Exigency Procedure on 04272021; 2. Recent email: Discovery compulsion ). The Claimant therefore Demands that the defendant disclose to the Claimant these items (which were requested but not disclosed) as below:

### 04272021 Letter of Demand for Exigency Procedure

"Also, I, hereby, formally Compel Discovery to include (to be delivered by email): 1. All investigatory documents mentioning client- claimant which are possessed by D.H.A. and/or D.S.S. in relations - 2. Record of all Comments of Representatives attached to said client's casefile; 3. Notification of any so-called sealed (or otherwise access-limited) (allegedly) documents mentioning said client also possessed by either or both said agencies" (Letter of Demand for Exigency Procedure on 04272021).

The names, current addresses and telephone numbers of all witnesses to be called to testify for telecommunicated state hearing and of all percipient witnesses and potential witnesses, whether or not the judge intends to call the witness to testify, and without redaction by "blotting" or obscuring to conceal any.

(See Penal Code sections 1054.1(a), 1054(e); Brady v Maryland (1963) 373 US 83, 10 L Ed 2d 215, 83 S Ct 1194. See also In re Littlefield (1993) 5 C4th 122, 19 CR2d 248.)

All statements or utterances by the defendant and Parties, including Third, claiming Interest, oral or written, however recorded or preserved, whether or not signed or acknowledged by the defendant.

(Penal Code section 1054.1(b), (e); Brady v Maryland, supra.)

All photographs, motion pictures, or videotapes of the claimant in this case. Claimant, in full faith, believes the Defendant and any and all claiming Parties of Interest, including Third Parties, to possess, as discovery, video surveillance footage aforementioned.

The identity and whereabouts of any material informants including introduced third parties upon pleas to, without redaction by "blotting" or obscuring to conceal.

(Penal Code sections 1054.1(e), 1054(e). See People v Hobbs (1994) 7 C4th 948, 30 CR2d 651.)

All written and recorded statements of witnesses who will testify. All notes and reports of police officers and investigators concerning the offense charged. This includes reports concerning all aspects of the case, e.g., the crimes, law enforcement activities and observations, and conversations with witnesses. (Penal Code section 1054.1(e)-(f).)

All notes and reports of police officers and investigators of any Agency mentioning Claimant or any Party (either Actually or Allegedly) of Interest . This includes reports concerning all aspects of the case, e.g., the crimes, law enforcement activities and observations, and conversations with witnesses and agents of any Agency.

(Penal Code section 1054.1(e)-(f).)

All reports and notes of any law enforcement or peace officer or Agency investigator concerning the Claimant and/or the above-entitled case that are maintained separately from the official file, e.g., as "current investigation files," "filed identification notes," or "street files."

I Demand Notice of any an all motions to judge for Ex Parte hearing, communications or telecommunications upon any issue in this matter by any and all parties asserting, by said motions, to be Party of Interest INCLUDING any and all Third Parties and also any asserting said claim UNDER COLOR OF (either) EXECUTIVE POWER or PRIVILEGE, by claiming either Title or Office of either "Governor" or "President of the United States of America" or as agent, delegate or deputy of such, even by means of any instrument even if claimed by such party to be an "Executive Order"! Claimant Demands this right irregardless of any Party's claims for Protective Orders to Seal so as to be secreted by nondisclosure to the Claimant (pursuant to

1 CCR § 1022, 1024, 11450.20, 11450.30 and The Bill of Rights with, broadly, all its Common Law upon as Presumptive and OUTWEIGHING even against Executive claims as, therefore, Retaliatory Misconduct, Arbitrary and Capricious and PREJUDICIAL in illegal MALICE INTENT, Treasonously UnConstitutional IPSO-FACTO, which must be defied [or act complicit and contrary constitutes collusion in Government Crime Conspiracy against the United States of America in Treason against U.S. National Security ACTUALLY despite reverse-accusals, as Abuse Prejudicially Hostile, and by Heinous Deprivals, to Claimant's Fundamental Rights (non-exhaustively: Due Process, Redress of Grievances, Free Exercise by Establishment of Religion, and Life, Limb and Liberty)!].

Therefore, in accordance with CCR Title 2 § 60.3, claimant specifically demands the above items as relevant evidence necessary for preparation for adversarial-conflict proceeding's oral argument upon issues raised by his initial pleas (all of which are certainly within both personal and subject-matter jurisdiction at agency venue, and obligatory upon its court, even though complicated, due to procedural tampering of conspiracy asserted and precedentially and exigently severe).

Any evidence to be used in rebuttal of claimant's case.

(Izazaga v Superior Court (1991) 54 C3d 356, 285 CR 231; People v Bunyard (1988) 45 C3d 1189, 249 CR 71.)

**11 CCR § 314**

**§ 314. Grounds for Issuance of Cease and Desist Order.**

(a) The grounds upon which a cease and desist order may be issued include, but are not limited to, the following:

(1) Refusal or failure, after notice, to produce records of the organization or to disclose information required to be disclosed.

(2) Making a material false statement in an application, statement or report required to be filed.

(3) Failure to file a financial report, or filing an incomplete financial report.

(4) Engaging in any act prohibited pursuant to Government Code section 12599.6.

(5) Engaging in any act that requires registration under Government Code section 12580 et seq., if unregistered, delinquent, suspended or revoked. Such acts include but are not limited to, solicitation for charitable purposes.

(b) Violation of a cease and desist order constitutes disobedience of or resistance to a lawful order pursuant to Government Code section 11455.10. The Attorney General may pursue a contempt sanction for violations pursuant to Government Code section 11455.20, in addition to any other remedy otherwise available to the Attorney General.

**§ 52.7. Request to File Charges Against State Employees.**

**2 CA ADC § 52.7**

**BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS**

**Barclays Official California Code of Regulations Currentness**

**Title 2. Administration**

**Division 1. Administrative Personnel**

**Chapter 1. State Personnel Board**

**Subchapter 1.2. Hearings and Appeals**

**Article 2. Filing with the Board**

**2 CCR § 52.7**

**§ 52.7. Request to File Charges Against State Employees.**

(a) Any request to file charges pursuant to Government Code section 19583.5, shall be filed by the requesting party with the Appeals Division of the SPB. The requesting party shall also serve the appropriate number of conforming copies on the appointing authority for each employee against whom disciplinary action is sought.

(b) Each request shall be in writing.

(c) Each request must clearly state the facts constituting the cause or causes for adverse action in such detail as is reasonably necessary to enable the accused employee to prepare a defense thereto. The accused employee has a right to provide an answer within 30 days of service of the request to file charges pursuant to Government Code section 19583.5.

(d) Each request must clearly state the legal cause(s) for discipline as set forth in Government Code section 19572.

(e) Each request shall include a sworn statement, signed under penalty of perjury, that the contents of the request are true and correct.

(f) Each request shall be limited to a maximum of 15 pages of double-spaced typed or printed text, not including exhibits. Additional pages may be allowed upon a showing of good cause. The requesting party shall submit a separate document with the request to file charges stating the reasons for good cause for the additional pages.

(g) Where it does not appear that the material facts alleged are within the personal knowledge of the requesting party, the Appeals Division may require the requesting party to present supporting affidavits from persons having actual knowledge of the facts before acting upon the request.

(h) Only after compliance with subdivisions (a) through (g) will the Appeals Division conduct an investigative review to determine whether the Board will give its consent to file charges.

(i) If the Board approves the request after an investigative review, the parties will be notified that the request has been approved and that the matter will be scheduled for an evidentiary hearing before an ALJ. The Appeals Division will notify the parties of the time and location of the hearing.

(1) The hearing shall be conducted in accordance with those regulations related to the adverse action hearing process pursuant to Sub-Article 6, beginning with section 56.1. During the hearing, the requesting party shall bear the burden of proving the allegations contained in the request by a preponderance of the evidence.

(2) No disciplinary action shall be imposed on the employee until after the completion of the hearing, and only upon a finding by the Board that disciplinary action is warranted against the employee.

(3) In those instances where the Board finds that disciplinary action is warranted against the employee, the Board shall notify the employee's appointing authority of the disciplinary action to be imposed on the employee. The appointing authority shall thereafter cause the disciplinary action mandated by the Board to be implemented against the employee within a reasonable period of time, not to exceed two weeks. The employee shall not be entitled to a right to respond pursuant to section 52.6. Within 30 days after a copy of the Board's decision is served upon the parties, either party may petition the Board for rehearing of the decision, pursuant to Government Code section 19586.

Note: Authority cited: Section 18701, Government Code. Reference: Section 19583.5, Government Code.

#### HISTORY

1. Renumbering and amendment of former section 51.9 to new section 52.7 filed 8-18-2010; operative 8-18-2010 pursuant to Government Code section 11343.4 (Register 2010, No. 34). This database is current through 5/28/21 Register 2021, No. 22

2 CCR § 52.7, 2 CA ADC § 52.7

END OF DOCUMENT

#### 2 CCR § 56.5

##### § 56.5. Avoiding Impropriety and the Appearance of Impropriety.

(a) A presiding officer shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the position.

(b) A presiding officer shall neither allow family, social, political, or other relationships to influence the conduct or judgment of the presiding officer nor permit others to convey the impression that any individual is in a special position to influence the presiding officer.

(c) A presiding officer shall not lend the prestige of his or her office or use his or her title in any manner to advance the pecuniary interests of the presiding officer or family members of the presiding officer.

Note: Authority cited: Section 18701, Government Code. Reference: Section 18675, Government Code.

#### 2 CCR § 56.6

##### § 56.6. Disciplinary Action for Proven Retaliatory Acts. [Renumbered]

Note: Authority cited: Sections 18701 and 18214, Government Code. Reference: Section 87164, Education Code; Sections 8547.8, 18670, 18671, 18675, 18710, 19572, 19574, 19582, 19583.5, 19590, 19592 and 19683, Government Code; and Section 6129, Penal Code.

#### HISTORY

1. New section filed 8-14-2002; operative 8-14-2002 pursuant to Government Code section 18214 (Register 2002, No. 33).

2. Amendment of section and Note filed 3-8-2006; operative 3-8-2006. Exempt from the Administrative Procedure Act pursuant to section 18211 of the Government Code and submitted to the Office of Administrative Law for filing with the Secretary of State and publication in the California Code of Regulations pursuant to section 18214 of the Government Code (Register 2006, No. 10).

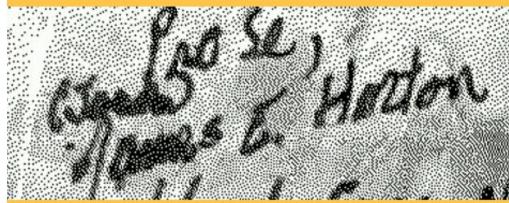
3. Renumbering of former section 56.6 to new section 67.7 filed 8-18-2010; operative 8-18-2010 pursuant to Government Code section 11343.4 (Register 2010, No. 34).

This database is current through 5/28/21 Register 2021, No. 22

Claimant demands that this document be treated as a continuing DEMAND through the completion of disposition.

Date: \_\_\_\_\_

James E. Horton, In Propria Persona



DECLARATION IN SUPPORT OF MOTION FOR DISCOVERY

I, James E. Horton, Pro Se, declare:

Whereas, I Jacob (James E. Horton), self-represent as Claimant in the above-entitled action.

Whereas, on information and belief, the records, documents and information sought by this motion are in the actual and/or constructive possession of the Departments of both Human Assistance and of Social Services of California, County of Sacramento.

Whereas, the records, documents, and information sought by this motion are not available to the Claimant in the exercise of due diligence.

Whereas, the records and documents sought by this action are necessary for Claimant's preparation in this action in the following ways: locating witnesses and physical evidence; prepar-

ing for the cross-examination and impeachment of witnesses to be called by the judge; assessing the credibility of witnesses to be called if upon amicus briefs or other by the judge, and without ex parte proceedings with any party whatsoever in matter (**pursuant to 2 CCR § 56.4**); assessing the credibility of defense witnesses; corroborating the testimony of defense witnesses; identifying the need for defense expert witnesses.

Whereas, Claimant, in perfect sound mind, possesses (SANE) CAUSE, although beyond practicable scope of purpose to expound here within, to know beyond reasonable doubt upon accumulative experience and probative facts evincing Conspiracy to Commit Various Crimes and Violations of Fundamental Rights, as Claimant has continually asserted to only Flagrant Prejudice in response for decades in joinder, by long protracted train of joindered acts, which this case is joindered to matters concerning (as amongst Occultic-Organized Crime Entities networked to be et al. with proven Criminal Motives Retaliatory to Persecute Credible Witness, said Claimant -- and ACTUALLY), aforementioned above! (see [www.bboip.wordpress.com](http://www.bboip.wordpress.com) for fullER context -- and do not ignore, but fully read and AC-KNOWLEDGE!)

Whereas, item just above is at issue with full jurisdiction at venue!

Whereas, Claimant, within initial pleadings (See them!), has raised issues, necessitating just recourse and resolution thus far evaded and deprived, of a long protracted train of damaging mistreatment of (client) said Claimant involving (in same conspiracy aforesaid upon proofs of criminal motive also as aforesaid), joindered acts with intents of: theft of identification, obstruction to recovery of identification, racketeering to steal and replace said Claimant's identity, identity record tampering, foul-play kidnapping and human trafficking (by exploiting also, in part, the mental-health system maliciously and prejudicially as a typical harassing repeated pattern by said enemies over decades with malicious and slanderous false-claims which I have repeatedly and ACTUALLY vindicated myself against while redundancy is harassing my life disruptive to all rights as stated aforesaid, yet, they also tamper all records, which I possess probative proof of, as RICO violations in government conspiracy collusion (and I refuse to have this issue disrupt further by any additional reinitiation in their pernicious impetuosity -- matter is closed and is not to repeat by exploitation of arbitrary procedural tampering inventions involving social service connectivities outside and irrelevant to immediate matters respecting my issues raised which are actually of jurisdictional materiality with more procedural heresy unpredictable, typical of caprice of California by my experience, since this would only be malicious retaliation against the law and conspicuously to be in same Occultic-Organized-Crime and satanic Conspiracy and this is incomplete, but I can't keep writing the Book of the Ages here within!

Whereas, Claimant, upon accumulative proofs (although beyond scope practicably to expound here within) possesses cause to foresee intents of said defendant as described within item just above (ACTUALLY and nondelusionally -- and, right here... again... reiterating, CEASE intent to RETALIATE in malice accordingly as any such will CONSTITUTE as here ACCUSING!), then, therefore to legally ACT to PREVENT with same FORSIGHT soundly discerned, STOP ACCUSING and IMPLICATING repeatedly HARASSING my LIFE in HOSTILITY PERPETRATORS AGAINST THE LAW!

Whereas, Mistreatments Prejudicial subject of Claimant's Complaint in said initial pleadings involved, only in part, multiple fraudulent inaccuracies of both allotment determinations and allocations (in Arbitrary Caprice) which have never been resolved, but only further malfeasance has resulted by any addresses; but, this in conjunction with the most HEINOUS AND GROSSEST recurring pattern of ONLY life and matter harassing (then in cooperation collusionaly with par-

ties'et al. intent to cause UnConstitutional restraints of liberties and other assaulting harms) joinder acts of procedural tampering, harassments abuse and obstructions disruptive, also being most UGLY and VILE the whole while OFFENSIVELY to my actually very extraordinarily SEASONED sensibilities (which makes absolutely no SENSE to not be recognized as Cyclopically DISGUSTING by any REMOTE WHIFF of the TRUE and FAITHFUL RECORD like whoes -- so do not prejudice with selective attention -- this is all clear on its face -- I am past being exhausted of my wealth of patience by the CALLOUS INJUSTICES (and prejudicial errors and DENIALS and DEFAULTS) REPEATED to NO RECOURSE ACCUMULATING CONTINUALLY and then these have to get longer and longer with increasing complication so RESOLVE this NOW!). Germane to foresight aforesaid; furthermore, Defendant agency communicates policy by website: they claim right to enforce lien and confiscate client property for its own over-payment mistakes; it has consistently only behaved capriciously erratic through all my relations with it; All have been conspicuously in collusion with Entity perpetrators of multiple other legal harassments conjunctively in context; I have been caused, thereby, to be indigent by their damages; I have been diligently pursuing remedies, and they have obvious criminal motive (Harassments by Illegal Misconduct and Disruptions by effected Restraints therefore of the Rights and Liberties In Retaliation Criminal) as accused in my pleadings upon my credible knowledge (DO NOT PREJUDICE it with selectivity); SEE the WEBSITE I worked HARD Building for JUST CAUSES and don't disrespect my DIGNITY feigning ignorance of its content as obligatory in JUSTICE; These heresies at law are unfathomably GROSS but they are obstinate; LASTLY, evidence of defendant's actions over years, recorded at Claimant's website aforementioned above, over duration longer than just last review period is not to be neglected as immaterial, it is material being relevant to motive for actions subject of Claimant's complaint at issue and, therefore, none of is to be dismissed in this matter but weighed!

Beinhoff and Thayer et al.

"503. Embezzlement is the fraudulent appropriation of property by a person to whom it has been intrusted.

504. Every officer of this state, or of any county, city, city and county, or other municipal corporation or subdivision thereof, and every deputy, clerk, or servant of that officer, and every officer, director, trustee, clerk, servant, or agent of any association, society, or corporation (public or private), who fraudulently appropriates to any use or purpose not in the due and lawful execution of that person's trust, any property in his or her possession or under his or her control by virtue of that trust, or secretes it with a fraudulent intent to appropriate it to that use or purpose, is guilty of embezzlement" (13 Cal P.C. § 503, 504, Crimes against Property, Embezzlement).

"484. (a) Every person who shall feloniously steal, take, carry, lead, or drive away the personal property of another, or who shall fraudulently appropriate property which has been entrusted to him or her, or who shall knowingly and designedly, by any false or fraudulent representation or pretense, defraud any other person of money, labor or real or personal property, or who causes or procures others to report falsely of his or her wealth or mercantile character and by thus imposing upon any person, obtains credit and thereby fraudulently gets or obtains possession of money, or property or obtains the labor or service of another, is guilty of theft..." (13 Cal P.C. § 503, 504, Crimes against Property, Larceny).

Brosky and Beaver et al.

"470. (a) Every person who, with the intent to defraud, knowing that he or she has no authority to do so, signs the name of another person or of a fictitious person to any of the items listed in subdivision (d) is guilty of forgery.

(b) Every person who, with the intent to defraud, counterfeits or forges the seal or handwriting

of another is guilty of forgery.

(c) Every person who, with the intent to defraud, alters, corrupts, or falsifies any record of any will, codicil, conveyance, or other instrument, the record of which is by law evidence, or any record of any judgment of a court or the return of any officer to any process of any court, is guilty of forgery..." (13 Cal P.C. § 470, Crimes against Property, Forgery and Counterfeiting ).

CHAPTER 10.5. Fraud and Embezzlement: Victim Restitution [186.11 - 186.12] ( Chapter 10.5 added by Stats. 1996, Ch. 431, Sec. 2. )

"186.11. (a) (1) Any person who commits two or more related felonies, a material element of which is fraud or embezzlement, which involve a pattern of related felony conduct, and the pattern of related felony conduct involves the taking of, or results in the loss by another person or entity of, more than one hundred thousand dollars (\$100,000), shall be punished, upon conviction of two or more felonies in a single criminal proceeding, in addition and consecutive to the punishment prescribed for the felony offenses of which he or she has been convicted, by an additional term of imprisonment in the state prison as specified in paragraph (2) or (3). This enhancement shall be known as the aggravated white collar crime enhancement. The aggravated white collar crime enhancement shall only be imposed once in a single criminal proceeding. For purposes of this section, "pattern of related felony conduct" means engaging in at least two felonies that have the same or similar purpose, result, principals, victims, or methods of commission, or are otherwise interrelated by distinguishing characteristics, and that are not isolated events. For purposes of this section, "two or more related felonies" means felonies committed against two or more separate victims, or against the same victim on two or more separate occasions...

(c) Any person convicted of two or more felonies, as specified in subdivision (a), shall also be liable for a fine not to exceed five hundred thousand dollars (\$500,000) or double the value of the taking, whichever is greater, if the existence of facts that would make the person subject to the aggravated white collar crime enhancement have been admitted or found to be true by the trier of fact. However, if the pattern of related felony conduct involves the taking of more than one hundred thousand dollars (\$100,000), but not more than five hundred thousand dollars (\$500,000), the fine shall not exceed one hundred thousand dollars (\$100,000) or double the value of the taking, whichever is greater.

(d) (1) If a person is alleged to have committed two or more felonies, as specified in subdivision (a), and the aggravated white collar crime enhancement is also charged, or a person is charged in an accusatory pleading with a felony, a material element of which is fraud or embezzlement, that involves the taking or loss of more than one hundred thousand dollars (\$100,000), and an allegation as to the existence of those facts, any asset or property that is in the control of that person, and any asset or property that has been transferred by that person to a third party, subsequent to the commission of any criminal act alleged pursuant to subdivision (a), other than in a bona fide purchase, whether found within or outside the state, may be preserved by the superior court in order to pay restitution and fines. Upon conviction of two or more felonies, as specified in subdivision (a), or a felony, a material element of which is fraud or embezzlement, that involves the taking or loss of more than one hundred thousand dollars (\$100,000), this property may be levied upon by the superior court to pay restitution and fines if the existence of facts that would make the person subject to the aggravated white collar crime enhancement or that demonstrate the taking or loss of more than one hundred thousand dollars (\$100,000) in the commission of a felony, a material element of which is fraud or embezzlement, have been charged in the accusatory pleading and admitted or found to be true by the trier of fact.

(2) To prevent dissipation or secreting of assets or property, the prosecuting agency may, at

the same time as or subsequent to the filing of a complaint or indictment charging two or more felonies, as specified in subdivision (a), and the enhancement specified in subdivision (a), or a felony, a material element of which is fraud or embezzlement, that involves the taking or loss of more than one hundred thousand dollars (\$100,000), and an allegation as to the existence of those facts, file a petition with the criminal division of the superior court of the county in which the accusatory pleading was filed, seeking a temporary restraining order, preliminary injunction, the appointment of a receiver, or any other protective relief necessary to preserve the property or assets. This petition shall commence a proceeding that shall be pendent to the criminal proceeding and maintained solely to affect the criminal remedies provided for in this section. The proceeding shall not be subject to or governed by the provisions of the Civil Discovery Act as set forth in Title 4 (commencing with Section 2016.010) of Part 4 of the Code of Civil Procedure. The petition shall allege that the defendant ..." (13 Cal P.C. § 470, Crimes against Property, Forgery and Counterfeiting ).

PENAL CODE - PEN

PART 1. OF CRIMES AND PUNISHMENTS [25 - 680.4] ( Part 1 enacted 1872. )

TITLE 7. OF CRIMES AGAINST PUBLIC JUSTICE [92 - 186.36] ( Title 7 enacted 1872. )

CHAPTER 9. Criminal Profiteering [186 - 186.8] ( Chapter 9 added by Stats. 1982, Ch. 1281, Sec. 1. )

186. This act may be cited as the "California Control of Profits of Organized Crime Act." (Added by Stats. 1982, Ch. 1281, Sec. 1.)

186.1. The Legislature hereby finds and declares that an effective means of punishing and deterring criminal activities of organized crime is through the forfeiture of profits acquired and accumulated as a result of such criminal activities. It is the intent of the Legislature that the "California Control of Profits of Organized Crime Act" be used by prosecutors to punish and deter only such activities.

(Added by Stats. 1982, Ch. 1281, Sec. 1.)

186.2. For purposes of this chapter, the following definitions apply:

(a) "Criminal profiteering activity" means an act committed or attempted or a threat made for financial gain or advantage, which act or threat may be charged as a crime under any of the following sections:

- (1) Arson, as defined in Section 451.
- (2) Bribery, as defined in Sections 67, 67.5, and 68.
- (3) Child pornography or exploitation, as defined in subdivision (b) of Section 311.2, or Section 311.3 or 311.4, which may be prosecuted as a felony.
- (4) Felonious assault, as defined in Section 245.
- (5) Embezzlement, as defined in Sections 424 and 503.
- (6) Extortion, as defined in Section 518.
- (7) Forgery, as defined in Section 470.
- (8) Gambling, as defined in Sections 320, 321, 322, 323, 326, 330a, 330b, 330c, 330.1, 330.4, 337a to 337f, inclusive, and Section 337i, except the activities of a person who participates solely as an individual bettor.
- (9) Kidnapping, as defined in Section 207.
- (10) Mayhem, as defined in Section 203.
- (11) Murder, as defined in Section 187.
- (12) Pimping and pandering, as defined in Section 266.
- (13) Receiving stolen property, as defined in Section 496.

- (14) Robbery, as defined in Section 211.
  - (15) Solicitation of crimes, as defined in Section 653f.
  - (16) Grand theft, as defined in Section 487 or subdivision (a) of Section 487a.
  - (17) Trafficking in controlled substances, as defined in Sections 11351, 11352, and 11353 of the Health and Safety Code.
  - (18) Violation of the laws governing corporate securities, as defined in Section 25541 of the Corporations Code.
  - (19) Offenses contained in Chapter 7.5 (commencing with Section 311) of Title 9, relating to obscene matter, or in Chapter 7.6 (commencing with Section 313) of Title 9, relating to harmful matter that may be prosecuted as a felony.
  - (20) Presentation of a false or fraudulent claim, as defined in Section 550.
  - (21) False or fraudulent activities, schemes, or artifices, as described in Section 14107 of the Welfare and Institutions Code.
  - (22) Money laundering, as defined in Section 186.10.
  - (23) Offenses relating to the counterfeit of a registered mark, as specified in Section 350, or offenses relating to piracy, as specified in Section 653w.
  - (24) Offenses relating to the unauthorized access to computers, computer systems, and computer data, as specified in Section 502.
  - (25) Conspiracy to commit any of the crimes listed above, as defined in Section 182.
  - (26) Subdivision (a) of Section 186.22, or a felony subject to enhancement as specified in subdivision (b) of Section 186.22.
  - (27) Offenses related to fraud or theft against the state's beverage container recycling program, including, but not limited to, those offenses specified in this subdivision and those criminal offenses specified in the California Beverage Container Recycling and Litter Reduction Act, commencing at Section 14500 of the Public Resources Code.
  - (28) Human trafficking, as defined in Section 236.1.
  - (29) A crime in which the perpetrator induces, encourages, or persuades a person under 18 years of age to engage in a commercial sex act. For purposes of this paragraph, a commercial sex act means any sexual conduct on account of which anything of value is given or received by any person.
  - (30) A crime in which the perpetrator, through force, fear, coercion, deceit, violence, duress, menace, or threat of unlawful injury to the victim or to another person, causes a person under 18 years of age to engage in a commercial sex act. For purposes of this paragraph, a commercial sex act means any sexual conduct on account of which anything of value is given or received by any person.
  - (31) Theft of personal identifying information, as defined in Section 530.5.
  - (32) Offenses involving the theft of a motor vehicle, as specified in Section 10851 of the Vehicle Code.
  - (33) Abduction or procurement by fraudulent inducement for prostitution, as defined in Section 266a.
  - (34) Offenses relating to insurance fraud, as specified in Sections 2106, 2108, 2109, 2110, 2110.3, 2110.5, 2110.7, and 2117 of the Unemployment Insurance Code.
- (b) (1) "Pattern of criminal profiteering activity" means engaging in at least two incidents of criminal profiteering, as defined by this chapter, that meet the following requirements:
- (A) Have the same or a similar purpose, result, principals, victims, or methods of commission, or are otherwise interrelated by distinguishing characteristics.
  - (B) Are not isolated events.
  - (C) Were committed as a criminal activity of organized crime.
- (2) Acts that would constitute a "pattern of criminal profiteering activity" may not be used by a prosecuting agency to seek the remedies provided by this chapter unless the underlying offense occurred after the effective date of this chapter and the prior act occurred within 10 years, excluding any period of imprisonment, of the commission of the underlying offense. A

prior act may not be used by a prosecuting agency to seek remedies provided by this chapter if a prosecution for that act resulted in an acquittal.

(c) "Prosecuting agency" means the Attorney General or the district attorney of any county.

(d) "Organized crime" means crime that is of a conspiratorial nature and that is either of an organized nature and seeks to supply illegal goods or services such as narcotics, prostitution, pimping and pandering, loan-sharking, counterfeiting of a registered mark in violation of Section 350, the piracy of a recording or audiovisual work in violation of Section 653w, gambling, and pornography, or that, through planning and coordination of individual efforts, seeks to conduct the illegal activities of arson for profit, hijacking, insurance fraud, smuggling, operating vehicle theft rings, fraud against the beverage container recycling program, embezzlement, securities fraud, insurance fraud in violation of the provisions listed in paragraph (34) of subdivision (a), grand theft, money laundering, forgery, or systematically encumbering the assets of a business for the purpose of defrauding creditors. "Organized crime" also means crime committed by a criminal street gang, as defined in subdivision (f) of Section 186.22. "Organized crime" also means false or fraudulent activities, schemes, or artifices, as described in Section 14107 of the Welfare and Institutions Code, and the theft of personal identifying information, as defined in Section 530.5.

(e) "Underlying offense" means an offense enumerated in subdivision (a) for which the defendant is being prosecuted.

(Amended by Stats. 2019, Ch. 268, Sec. 1. (AB 1294) Effective January 1, 2020.)

186.3. (a) In any case in which a person is alleged to have been engaged in a pattern of criminal profiteering activity, upon a conviction of the underlying offense, the assets listed in subdivisions (b) and (c) shall be subject to forfeiture upon proof of the provisions of subdivision (d) of Section 186.5.

(b) Any property interest whether tangible or intangible, acquired through a pattern of criminal profiteering activity.

(c) All proceeds of a pattern of criminal profiteering activity, which property shall include all things of value that may have been received in exchange for the proceeds immediately derived from the pattern of criminal profiteering activity.

(Added by Stats. 1982, Ch. 1281, Sec. 1.)

186.4. (a) The prosecuting agency shall, in conjunction with the criminal proceeding, file a petition of forfeiture with the superior court of the county in which the defendant has been charged with the underlying criminal offense, which shall allege that the defendant has engaged in a pattern of criminal profiteering activity, including the acts or threats chargeable as crimes and the property forfeitable pursuant to Section 186.3. The prosecuting agency shall make service of process of a notice regarding that petition upon every individual who may have a property interest in the alleged proceeds, which notice shall state that any interested party may file a verified claim with the superior court stating the amount of their claimed interest and an affirmation or denial of the prosecuting agency's allegation. If the notices cannot be given by registered mail or personal delivery, the notices shall be published for at least three successive weeks in a newspaper of general circulation in the county where the property is located. If the property alleged to be subject to forfeiture is real property, the prosecuting agency shall, at the time of filing the petition of forfeiture, record a lis pendens in each county in which the real property is situated which specifically identifies the real property alleged to be subject to forfeiture. The judgment of forfeiture shall not affect the interest in real property of any third party which was acquired prior to the recording of the lis pendens.

(b) All notices shall set forth the time within which a claim of interest in the property seized is required to be filed pursuant to Section 186.5.

(Amended by Stats. 1983, Ch. 208, Sec. 1.)

186.5. (a) Any person claiming an interest in the property or proceeds may, at any time within 30 days from the date of the first publication of the notice of seizure, or within 30 days after receipt of actual notice, file with the superior court of the county in which the action is pending a verified claim stating his or her interest in the property or proceeds. A verified copy of the claim shall be given by the claimant to the Attorney General or district attorney, as appropriate.

(b) (1) If, at the end of the time set forth in subdivision (a), an interested person, other than the defendant, has not filed a claim, the court, upon motion, shall declare that the person has defaulted upon his or her alleged interest, and it shall be subject to forfeiture upon proof of the provisions of subdivision (d).

(2) The defendant may admit or deny that the property is subject to forfeiture pursuant to the provisions of this chapter. If the defendant fails to admit or deny or to file a claim of interest in the property or proceeds, the court shall enter a response of denial on behalf of the defendant.

(c) (1) The forfeiture proceeding shall be set for hearing in the superior court in which the underlying criminal offense will be tried.

(2) If the defendant is found guilty of the underlying offense, the issue of forfeiture shall be promptly tried, either before the same jury or before a new jury in the discretion of the court, unless waived by the consent of all parties.

(d) At the forfeiture hearing, the prosecuting agency shall have the burden of establishing beyond a reasonable doubt that the defendant was engaged in a pattern of criminal profiteering activity and that the property alleged in the petition comes within the provisions of subdivision (b) or (c) of Section 186.3.

(Added by Stats. 1982, Ch. 1281, Sec. 1.)

186.6. (a) Concurrent with, or subsequent to, the filing of the petition, the prosecuting agency may move the superior court for the following pendente lite orders to preserve the status quo of the property alleged in the petition of forfeiture:

(1) An injunction to restrain all interested parties and enjoin them from transferring, encumbering, hypothecating or otherwise disposing of that property.

(2) Appointment of a receiver to take possession of, care for, manage, and operate the assets and properties so that such property may be maintained and preserved.

(b) No preliminary injunction may be granted or receiver appointed without notice to the interested parties and a hearing to determine that such an order is necessary to preserve the property, pending the outcome of the criminal proceedings, and that there is probable cause to believe that the property alleged in the forfeiture proceedings are proceeds or property interests forfeitable under Section 186.3. However, a temporary restraining order may issue pending that hearing pursuant to the provisions of Section 527 of the Code of Civil Procedure.

(c) Notwithstanding any other provision of law, the court in granting these motions may order a surety bond or undertaking to preserve the property interests of the interested parties.

(d) The court shall, in making its orders, seek to protect the interests of those who may be involved in the same enterprise as the defendant, but who were not involved in the commission of the criminal profiteering activity.

(Added by Stats. 1982, Ch. 1281, Sec. 1.)

186.7. (a) If the trier of fact at the forfeiture hearing finds that the alleged property or proceeds is forfeitable pursuant to Section 186.3 and the defendant was engaged in a pattern of criminal profiteering activity, the court shall declare that property or proceeds forfeited to the state or local governmental entity, subject to distribution as provided in Section 186.8. No property solely owned by a bona fide purchaser for value shall be subject to forfeiture.

(b) If the trier of fact at the forfeiture hearing finds that the alleged property is forfeitable pursuant to Section 186.3 but does not find that a person holding a valid lien, mortgage, security

interest, or interest under a conditional sales contract acquired that interest with actual knowledge that the property was to be used for a purpose for which forfeiture is permitted, and the amount due to that person is less than the appraised value of the property, that person may pay to the state or the local governmental entity which initiated the forfeiture proceeding, the amount of the registered owner's equity, which shall be deemed to be the difference between the appraised value and the amount of the lien, mortgage, security interest, or interest under a conditional sales contract. Upon that payment, the state or local governmental entity shall relinquish all claims to the property. If the holder of the interest elects not to make that payment to the state or local governmental entity, the property shall be deemed forfeited to the state or local governmental entity and the ownership certificate shall be forwarded. The appraised value shall be determined as of the date judgment is entered either by agreement between the legal owner and the governmental entity involved, or if they cannot agree, then by a court-appointed appraiser for the county in which the action is brought. A person holding a valid lien, mortgage, security interest, or interest under a conditional sales contract shall be paid the appraised value of his or her interest.

(c) If the amount due to a person holding a valid lien, mortgage, security interest, or interest under a conditional sales contract is less than the value of the property and the person elects not to make payment to the governmental entity, the property shall be sold at public auction by the Department of General Services or by the local governmental entity which shall provide notice of that sale by one publication in a newspaper published and circulated in the city, community, or locality where the sale is to take place.

(d) Notwithstanding subdivision (c), a county may dispose of any real property forfeited to the county pursuant to this chapter pursuant to Section 25538.5 of the Government Code.

(Amended by Stats. 1992, Ch. 1020, Sec. 3.7. Effective January 1, 1993.)

186.8. Notwithstanding that no response or claim has been filed pursuant to Section 186.5, in all cases where property is forfeited pursuant to this chapter and, if necessary, sold by the Department of General Services or local governmental entity, the money forfeited or the proceeds of sale shall be distributed by the state or local governmental entity as follows:

(a) To the bona fide or innocent purchaser, conditional sales vendor, or holder of a valid lien, mortgage, or security interest, if any, up to the amount of his or her interest in the property or proceeds, when the court declaring the forfeiture orders a distribution to that person. The court shall endeavor to discover all those lienholders and protect their interests and may, at its discretion, order the proceeds placed in escrow for up to an additional 60 days to ensure that all valid claims are received and processed.

(b) To the Department of General Services or local governmental entity for all expenditures made or incurred by it in connection with the sale of the property, including expenditures for any necessary repairs, storage, or transportation of any property seized under this chapter.

(c) To the General Fund of the state or a general fund of a local governmental entity, whichever prosecutes.

(d) In any case involving a violation of subdivision (b) of Section 311.2, or Section 311.3 or 311.4, in lieu of the distribution of the proceeds provided for by subdivisions (b) and (c), the proceeds shall be deposited in the county children's trust fund, established pursuant to Section 18966 of the Welfare and Institutions Code, of the county that filed the petition of forfeiture. If the county does not have a children's trust fund, the funds shall be deposited in the State Children's Trust Fund, established pursuant to Section 18969 of the Welfare and Institutions Code.

(e) In any case involving crimes against the state beverage container recycling program, in lieu of the distribution of proceeds provided in subdivision (c), the proceeds shall be deposited in the penalty account established pursuant to subdivision (d) of Section 14580 of the Public Resources Code, except that a portion of the proceeds equivalent to the cost of prosecution in the case shall be distributed to the local prosecuting entity that filed the petition of forfeiture.

(f) (1) In any case described in paragraph (29) or (30) of subdivision (a) of Section 186.2, or paragraph (33) of subdivision (a) of Section 186.2 where the victim is a minor, in lieu of the distribution provided for in subdivision (c), the proceeds shall be deposited in the Victim-Witness Assistance Fund to be available for appropriation to fund child sexual exploitation and child sexual abuse victim counseling centers and prevention programs under Section 13837. Fifty percent of the funds deposited in the Victim-Witness Assistance Fund pursuant to this subdivision shall be granted to community-based organizations that serve minor victims of human trafficking.

(2) Notwithstanding paragraph (1), any proceeds specified in paragraph (1) that would otherwise be distributed to the General Fund of the state under subdivision (c) pursuant to a paragraph in subdivision (a) of Section 186.2 other than paragraph (29) or (30) of subdivision (a) of Section 186.2, or paragraph (33) of subdivision (a) of Section 186.2 where the victim is a minor, shall, except as otherwise required by law, continue to be distributed to the General Fund of the state as specified in subdivision (c).

Wilgus, Murtons, Deal, Purney, Semeryk, Wilson, Coulter, Cecil, Hutchinson, and Warner et al.

PENAL CODE - PEN

PART 1. OF CRIMES AND PUNISHMENTS [25 - 680.4] ( Part 1 enacted 1872. )

TITLE 11.5. CRIMINAL THREATS [422 - 422.4] ( Heading of Title 11.5 amended by Stats. 2000, Ch. 1001, Sec. 4. )

422. (a) Any person who willfully threatens to commit a crime which will result in death or great bodily injury to another person, with the specific intent that the statement, made verbally, in writing, or by means of an electronic communication device, is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, shall be punished by imprisonment in the county jail not to exceed one year, or by imprisonment in the state prison.

(b) For purposes of this section, "immediate family" means any spouse, whether by marriage or not, parent, child, any person related by consanguinity or affinity within the second degree, or any other person who regularly resides in the household, or who, within the prior six months, regularly resided in the household.

(c) "Electronic communication device" includes, but is not limited to, telephones, cellular telephones, computers, video recorders, fax machines, or pagers. "Electronic communication" has the same meaning as the term defined in Subsection 12 of Section 2510 of Title 18 of the United States Code.

(Amended (as amended by Stats. 2011, Ch. 15) by Stats. 2011, Ch. 39, Sec. 16. (AB 117) Effective June 30, 2011. Operative October 1, 2011, pursuant to Secs. 68 and 69 of Ch. 39.)

422.1. Every person who is convicted of a felony violation of Section 148.1 or 11418.1, under circumstances in which the defendant knew the underlying report was false, in addition to being ordered to comply with all other applicable restitution requirements and fine and fee provisions, shall also be ordered to pay full restitution to each of the following:

(a) Any person, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision, agency or instrumentality, or any other legal or commercial entity for any personnel, equipment, material, or clean up costs, and for any prop-

erty damage, caused by the violation directly, or stemming from any emergency response to the violation or its aftermath.

(b) Any public or private entity incurring any costs for actual emergency response, for all costs of that response and for any clean up costs, including any overtime paid to uninvolved personnel made necessary by the allocation of resources to the emergency response and clean up.

(c) Restitution for the costs of response by a government entity under this section shall be determined in a hearing separate from the determination of guilt. The court shall order restitution in an amount no greater than the reasonable costs of the response. The burden shall be on the people to prove the reasonable costs of the response.

(d) In determining the restitution for the costs of response by a government entity, the court shall consider the amount of restitution to be paid to the direct victim, as defined in subdivision (k) of Section 1202.4.

(Added by Stats. 2002, Ch. 281, Sec. 1. Effective January 1, 2003.)

422.4. (a) Any person who publishes information describing or depicting an academic researcher or his or her immediate family member, or the location or locations where an academic researcher or an immediate family member of an academic researcher may be found, with the intent that another person imminently use the information to commit a crime involving violence or a threat of violence against an academic researcher or his or her immediate family member, and the information is likely to produce the imminent commission of such a crime, is guilty of a misdemeanor, punishable by imprisonment in a county jail for not more than one year, a fine of not more than one thousand dollars (\$1,000), or by both a fine and imprisonment.

(b) For the purposes of this section, all of the following apply:

(1) "Publishes" means making the information available to another person through any medium, including, but not limited to, the Internet, the World Wide Web, or e-mail.

(2) "Academic researcher" has the same meaning as in Section 602.12.

(3) "Immediate family" means any spouse, whether by marriage or not, domestic partner, parent, child, any person related by consanguinity or affinity within the second degree, or any other person who regularly resides in the household, or who, within the prior six months, regularly resided in the household.

(4) "Information" includes, but is not limited to, an image, film, filmstrip, photograph, negative, slide, photocopy, videotape, video laser disc, or any other computer-generated image.

(c) Any academic researcher about whom information is published in violation of subdivision (a) may seek a preliminary injunction enjoining any further publication of that information. This subdivision shall not apply to a person or entity protected pursuant to Section 1070 of the Evidence Code.

(d) This section shall not apply to any person who is lawfully engaged in labor union activities that are protected under state or federal law.

(e) This section shall not preclude prosecution under any other provision of law.

## PENAL CODE - PEN

PART 1. OF CRIMES AND PUNISHMENTS [25 - 680.4] ( Part 1 enacted 1872. )

TITLE 15. MISCELLANEOUS CRIMES [626 - 653.75] ( Title 15 enacted 1872. )

CHAPTER 1.4. Interception of Wire, Electronic Digital Pager, or Electronic Cellular Telephone Communications [629.50 - 629.98] ( Chapter 1.4 added by Stats. 1995, Ch. 971, Sec. 10. )

629.50. (a) Each application for an order authorizing the interception of a wire or electronic communication shall be made in writing upon the personal oath or affirmation of the Attorney

General, Chief Deputy Attorney General, or Chief Assistant Attorney General, Criminal Law Division, or of a district attorney, or the person designated to act as district attorney in the district attorney's absence, to the presiding judge of the superior court or one other judge designated by the presiding judge. An ordered list of additional judges may be authorized by the presiding judge to sign an order authorizing an interception. One of these judges may hear an application and sign an order only if that judge makes a determination that the presiding judge, the first designated judge, and those judges higher on the list are unavailable. Each application shall include all of the following information:

- (1) The identity of the investigative or law enforcement officer making the application, and the officer authorizing the application.
  - (2) The identity of the law enforcement agency that is to execute the order.
  - (3) A statement attesting to a review of the application and the circumstances in support thereof by the chief executive officer, or his or her designee, of the law enforcement agency making the application. This statement shall name the chief executive officer or the designee who effected this review.
  - (4) A full and complete statement of the facts and circumstances relied upon by the applicant to justify his or her belief that an order should be issued, including (A) details as to the particular offense that has been, is being, or is about to be committed, (B) the fact that conventional investigative techniques had been tried and were unsuccessful, or why they reasonably appear to be unlikely to succeed or to be too dangerous, (C) a particular description of the nature and location of the facilities from which or the place where the communication is to be intercepted, (D) a particular description of the type of communication sought to be intercepted, and (E) the identity, if known, of the person committing the offense and whose communications are to be intercepted, or if that person's identity is not known, then the information relating to the person's identity that is known to the applicant.
  - (5) A statement of the period of time for which the interception is required to be maintained, and if the nature of the investigation is such that the authorization for interception should not automatically terminate when the described type of communication has been first obtained, a particular description of the facts establishing probable cause to believe that additional communications of the same type will occur thereafter.
  - (6) A full and complete statement of the facts concerning all previous applications known, to the individual authorizing and to the individual making the application, to have been made to any judge of a state or federal court for authorization to intercept wire or electronic communications involving any of the same persons, facilities, or places specified in the application, and the action taken by the judge on each of those applications. This requirement may be satisfied by making inquiry of the California Attorney General and the United States Department of Justice and reporting the results of these inquiries in the application.
  - (7) If the application is for the extension of an order, a statement setting forth the number of communications intercepted pursuant to the original order, and the results thus far obtained from the interception, or a reasonable explanation of the failure to obtain results.
  - (8) An application for modification of an order may be made when there is probable cause to believe that the person or persons identified in the original order have commenced to use a facility or device that is not subject to the original order. Any modification under this subdivision shall only be valid for the period authorized under the order being modified. The application for modification shall meet all of the requirements in paragraphs (1) to (6), inclusive, and shall include a statement of the results thus far obtained from the interception, or a reasonable explanation for the failure to obtain results.
- (b) The judge may require the applicant to furnish additional testimony or documentary evidence in support of an application for an order under this section.
- (c) The judge shall accept a facsimile copy of the signature of any person required to give a personal oath or affirmation pursuant to subdivision (a) as an original signature to the application. The original signed document shall be sealed and kept with the application pursuant to

the provisions of Section 629.66 and custody of the original signed document shall be in the same manner as the judge orders for the application.

(Amended by Stats. 2010, Ch. 707, Sec. 1. (SB 1428) Effective January 1, 2011. Repealed as of January 1, 2025, pursuant to Section 629.98.)

629.51. (a) For the purposes of this chapter, the following terms have the following meanings:

(1) "Wire communication" means any aural transfer made in whole or in part through the use of facilities for the transmission of communications by the aid of wire, cable, or other like connection between the point of origin and the point of reception (including the use of a like connection in a switching station), furnished or operated by any person engaged in providing or operating these facilities for the transmission of communications.

(2) "Electronic communication" means any transfer of signs, signals, writings, images, sounds, data, or intelligence of any nature in whole or in part by a wire, radio, electromagnetic, photo-electric, or photo-optical system, but does not include any of the following:

(A) Any wire communication defined in paragraph (1).

(B) Any communication made through a tone-only paging device.

(C) Any communication from a tracking device.

(D) Electronic funds transfer information stored by a financial institution in a communications system used for the electronic storage and transfer of funds.

(3) "Tracking device" means an electronic or mechanical device that permits the tracking of the movement of a person or object.

(4) "Aural transfer" means a transfer containing the human voice at any point between and including the point of origin and the point of reception.

(b) This chapter applies to the interceptions of wire and electronic communications. It does not apply to stored communications or stored content.

(c) The act that added this subdivision is not intended to change the law as to stored communications or stored content.

(Amended by Stats. 2010, Ch. 707, Sec. 2. (SB 1428) Effective January 1, 2011. Repealed as of January 1, 2025, pursuant to Section 629.98.)

629.52. Upon application made under Section 629.50, the judge may enter an ex parte order, as requested or modified, authorizing interception of wire or electronic communications initially intercepted within the territorial jurisdiction of the court in which the judge is sitting, if the judge determines, on the basis of the facts submitted by the applicant, all of the following:

(a) There is probable cause to believe that an individual is committing, has committed, or is about to commit, one of the following offenses:

(1) Importation, possession for sale, transportation, manufacture, or sale of controlled substances in violation of Section 11351, 11351.5, 11352, 11370.6, 11378, 11378.5, 11379, 11379.5, or 11379.6 of the Health and Safety Code with respect to a substance containing heroin, cocaine, PCP, methamphetamine, fentanyl, or their precursors or analogs where the substance exceeds 10 gallons by liquid volume or three pounds of solid substance by weight.

(2) Murder, solicitation to commit murder, a violation of Section 209, or the commission of a felony involving a destructive device in violation of Section 18710, 18715, 18720, 18725, 18730, 18740, 18745, 18750, or 18755.

(3) A felony violation of Section 186.22.

(4) A felony violation of Section 11418, relating to weapons of mass destruction, Section 11418.5, relating to threats to use weapons of mass destruction, or Section 11419, relating to restricted biological agents.

(5) A violation of Section 236.1.

(6) An attempt or conspiracy to commit any of the above-mentioned crimes.

(b) There is probable cause to believe that particular communications concerning the illegal activities will be obtained through that interception, including, but not limited to, communica-

tions that may be utilized for locating or rescuing a kidnap victim.

(c) There is probable cause to believe that the facilities from which, or the place where, the wire or electronic communications are to be intercepted are being used, or are about to be used, in connection with the commission of the offense, or are leased to, listed in the name of, or commonly used by the person whose communications are to be intercepted.

(d) Normal investigative procedures have been tried and have failed or reasonably appear either unlikely to succeed if tried or too dangerous.

(Amended by Stats. 2018, Ch. 294, Sec. 1. (AB 1948) Effective January 1, 2019. Repealed as of January 1, 2025, pursuant to Section 629.98. Note: This section was amended on March 7, 2000, by initiative Prop. 21.)

629.53. The Judicial Council may establish guidelines for judges to follow in granting an order authorizing the interception of any wire or electronic communications.

(Amended by Stats. 2010, Ch. 707, Sec. 4. (SB 1428) Effective January 1, 2011. Repealed as of January 1, 2025, pursuant to Section 629.98.)

629.54. Each order authorizing the interception of any wire or electronic communication shall specify all of the following:

(a) The identity, if known, of the person whose communications are to be intercepted, or if the identity is not known, then that information relating to the person's identity known to the applicant.

(b) The nature and location of the communication facilities as to which, or the place where, authority to intercept is granted.

(c) A particular description of the type of communication sought to be intercepted, and a statement of the illegal activities to which it relates.

(d) The identity of the agency authorized to intercept the communications and of the person making the application.

(e) The period of time during which the interception is authorized including a statement as to whether or not the interception shall automatically terminate when the described communication has been first obtained.

(Amended by Stats. 2010, Ch. 707, Sec. 5. (SB 1428) Effective January 1, 2011. Repealed as of January 1, 2025, pursuant to Section 629.98.)

629.56. (a) Upon informal application by the Attorney General, Chief Deputy Attorney General, or Chief Assistant Attorney General, Criminal Law Division, or a district attorney, or the person designated to act as district attorney in the district attorney's absence, the presiding judge of the superior court or the first available judge designated as provided in Section 629.50 may grant oral approval for an interception, without an order, if he or she determines all of the following:

(1) There are grounds upon which an order could be issued under this chapter.

(2) There is probable cause to believe that an emergency situation exists with respect to the investigation of an offense enumerated in this chapter.

(3) There is probable cause to believe that a substantial danger to life or limb exists justifying the authorization for immediate interception of a private wire or electronic communication before an application for an order could with due diligence be submitted and acted upon.

(b) Approval for an interception under this section shall be conditioned upon filing with the judge, by midnight of the second full court day after the oral approval, a written application for an order which, if granted consistent with this chapter, shall also recite the oral approval under this subdivision and be retroactive to the time of the oral approval.

(Amended by Stats. 2010, Ch. 707, Sec. 6. (SB 1428) Effective January 1, 2011. Repealed as of January 1, 2025, pursuant to Section 629.98.)

629.58. No order entered under this chapter shall authorize the interception of any wire or electronic communication for any period longer than is necessary to achieve the objective of the authorization, nor in any event longer than 30 days, commencing on the day of the initial interception, or 10 days after the issuance of the order, whichever comes first. Extensions of an order may be granted, but only upon application for an extension made in accordance with Section 629.50 and upon the court making findings required by Section 629.52. The period of extension shall be no longer than the authorizing judge deems necessary to achieve the purposes for which it was granted and in no event any longer than 30 days. Every order and extension thereof shall contain a provision that the authorization to intercept shall be executed as soon as practicable, shall be conducted so as to minimize the interception of communications not otherwise subject to interception under this chapter, and shall terminate upon attainment of the authorized objective, or in any event at the time expiration of the term designated in the order or any extensions. In the event the intercepted communication is in a foreign language, an interpreter of that foreign language may assist peace officers in executing the authorization provided in this chapter, provided that the interpreter has the same training as any other interceptor authorized under this chapter and provided that the interception shall be conducted so as to minimize the interception of communications not otherwise subject to interception under this chapter.

(Amended by Stats. 2010, Ch. 707, Sec. 7. (SB 1428) Effective January 1, 2011. Repealed as of January 1, 2025, pursuant to Section 629.98.)

629.60. Whenever an order authorizing an interception is entered, the order shall require reports in writing or otherwise to be made to the judge who issued the order showing the number of communications intercepted pursuant to the original order, and a statement setting forth what progress has been made toward achievement of the authorized objective, or a satisfactory explanation for its lack, and the need for continued interception. If the judge finds that progress has not been made, that the explanation for its lack is not satisfactory, or that no need exists for continued interception, he or she shall order that the interception immediately terminate. The reports shall be filed with the court at the intervals that the judge may require, but not less than one for each period of 10 days, commencing with the date of the signing of the order, and shall be made by any reasonable and reliable means, as determined by the judge.

(Amended by Stats. 2010, Ch. 707, Sec. 8. (SB 1428) Effective January 1, 2011. Repealed as of January 1, 2025, pursuant to Section 629.98.)

629.61. (a) Whenever an order authorizing an interception is entered, the order shall require a report in writing or otherwise to be made to the Attorney General showing what persons, facilities, places, or any combination of these are to be intercepted pursuant to the application, and the action taken by the judge on each of those applications. The report shall be made at the interval that the order may require, but not more than 10 days after the order was issued, and shall be made by any reasonable and reliable means, as determined by the Attorney General.

(b) The Attorney General may issue regulations prescribing the collection and dissemination of information collected pursuant to this chapter.

(c) The Attorney General shall, upon the request of an individual making an application for an interception order pursuant to this chapter, provide any information known as a result of these reporting requirements and in compliance with paragraph (6) of subdivision (a) of Section 629.50.

(Amended by Stats. 2004, Ch. 405, Sec. 9. Effective January 1, 2005. Repealed as of January 1, 2025, pursuant to Section 629.98.)

629.62. (a) The Attorney General shall prepare and submit an annual report to the Legisla-

ture, the Judicial Council, and the Director of the Administrative Office of the United States Courts on interceptions conducted under the authority of this chapter during the preceding year. Information for this report shall be provided to the Attorney General by any prosecutorial agency seeking an order pursuant to this chapter.

(b) The report shall include all of the following data:

- (1) The number of orders or extensions applied for.
  - (2) The kinds of orders or extensions applied for.
  - (3) The fact that the order or extension was granted as applied for, was modified, or was denied.
  - (4) The number of wire or electronic communication devices that are the subject of each order granted.
  - (5) The period of interceptions authorized by the order, and the number and duration of any extensions of the order.
  - (6) The offense specified in the order or application, or extension of an order.
  - (7) The identity of the applying law enforcement officer and agency making the application and the person authorizing the application.
  - (8) The nature of the facilities from which or the place where communications were to be intercepted.
  - (9) A general description of the interceptions made under the order or extension, including (A) the number of persons whose communications were intercepted, (B) the number of communications intercepted, (C) the percentage of incriminating communications intercepted and the percentage of other communications intercepted, and (D) the approximate nature, amount, and cost of the manpower and other resources used in the interceptions.
  - (10) The number of arrests resulting from interceptions made under the order or extension, and the offenses for which arrests were made.
  - (11) The number of trials resulting from the interceptions.
  - (12) The number of motions to suppress made with respect to the interceptions, and the number granted or denied.
  - (13) The number of convictions resulting from the interceptions and the offenses for which the convictions were obtained and a general assessment of the importance of the interceptions.
  - (14) Except with regard to the initial report required by this section, the information required by paragraphs (9) to (13), inclusive, with respect to orders or extensions obtained in a preceding calendar year.
  - (15) The date of the order for service of inventory made pursuant to Section 629.68, confirmation of compliance with the order, and the number of notices sent.
  - (16) Other data that the Legislature, the Judicial Council, or the Director of the Administrative Office of the United States Courts shall require.
- (c) The annual report shall be filed no later than April of each year, and shall also include a summary analysis of the data reported pursuant to subdivision (b). The Attorney General may issue regulations prescribing the content and form of the reports required to be filed pursuant to this section by any prosecutorial agency seeking an order to intercept wire or electronic communications.
- (d) The Attorney General shall, upon the request of an individual making an application, provide any information known to him or her as a result of these reporting requirements that would enable the individual making an application to comply with paragraph (6) of subdivision (a) of Section 629.50.
- (Amended by Stats. 2012, Ch. 162, Sec. 126. (SB 1171) Effective January 1, 2013. Repealed as of January 1, 2025, pursuant to Section 629.98.)

629.64. The contents of any wire or electronic communication intercepted by any means authorized by this chapter shall, if possible, be recorded on any recording media. The recording of the contents of any wire or electronic communication pursuant to this chapter shall be done

in a way that will protect the recording from editing or other alterations and ensure that the recording can be immediately verified as to its authenticity and originality and that any alteration can be immediately detected. In addition, the monitoring or recording device shall be of a type and shall be installed to preclude any interruption or monitoring of the interception by any unauthorized means. Immediately upon the expiration of the period of the order, or extensions thereof, the recordings shall be made available to the judge issuing the order and sealed under his or her directions. Custody of the recordings shall be where the judge orders. They shall not be destroyed except upon an order of the issuing or denying judge and in any event shall be kept for 10 years. Duplicate recordings may be made for use or disclosure pursuant to the provisions of Sections 629.74 and 629.76 for investigations. The presence of the seal provided for by this section, or a satisfactory explanation for the absence thereof, shall be a prerequisite for the use or disclosure of the contents of any wire or electronic communication or evidence derived therefrom under Section 629.78.

(Amended by Stats. 2010, Ch. 707, Sec. 10. (SB 1428) Effective January 1, 2011. Repealed as of January 1, 2025, pursuant to Section 629.98.)

629.66. Applications made and orders granted pursuant to this chapter shall be sealed by the judge. Custody of the applications and orders shall be where the judge orders. The applications and orders shall be disclosed only upon a showing of good cause before a judge or for compliance with the provisions of subdivisions (b) and (c) of Section 629.70 and shall not be destroyed except on order of the issuing or denying judge, and in any event shall be kept for 10 years.

(Amended by Stats. 2010, Ch. 707, Sec. 11. (SB 1428) Effective January 1, 2011. Repealed as of January 1, 2025, pursuant to Section 629.98.)

629.68. Within a reasonable time, but no later than 90 days, after the termination of the period of an order or extensions thereof, or after the filing of an application for an order of approval under Section 629.56 which has been denied, the issuing judge shall issue an order that shall require the requesting agency to serve upon persons named in the order or the application, and other known parties to intercepted communications, an inventory which shall include notice of all of the following:

- (a) The fact of the entry of the order.
- (b) The date of the entry and the period of authorized interception.
- (c) The fact that during the period wire or electronic communications were or were not intercepted.

The judge, upon filing of a motion, may, in his or her discretion, make available to the person or his or her counsel for inspection the portions of the intercepted communications, applications, and orders that the judge determines to be in the interest of justice. On an ex parte showing of good cause to a judge, the serving of the inventory required by this section may be postponed. The period of postponement shall be no longer than the authorizing judge deems necessary to achieve the purposes for which it was granted.

(Amended by Stats. 2010, Ch. 707, Sec. 12. (SB 1428) Effective January 1, 2011. Repealed as of January 1, 2025, pursuant to Section 629.98.)

629.70. (a) A defendant shall be notified that he or she was identified as the result of an interception that was obtained pursuant to this chapter. The notice shall be provided prior to the entry of a plea of guilty or nolo contendere, or at least 10 days prior to any trial, hearing, or proceeding in the case other than an arraignment or grand jury proceeding.

(b) Within the time period specified in subdivision (c), the prosecution shall provide to the defendant a copy of all recorded interceptions from which evidence against the defendant was derived, including a copy of the court order, accompanying application, and monitoring logs.

(c) Neither the contents of any intercepted wire or electronic communication nor evidence de-

rived from those contents shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding, except a grand jury proceeding, unless each party, not less than 10 days before the trial, hearing, or proceeding, has been furnished with a transcript of the contents of the interception and with the materials specified in subdivision (b). This 10-day period may be waived by the judge with regard to the transcript if he or she finds that it was not possible to furnish the party with the transcript 10 days before the trial, hearing, or proceeding, and that the party will not be prejudiced by the delay in receiving that transcript.

(d) A court may issue an order limiting disclosures pursuant to subdivisions (a) and (b) upon a showing of good cause.

(Amended by Stats. 2010, Ch. 707, Sec. 13. (SB 1428) Effective January 1, 2011. Repealed as of January 1, 2025, pursuant to Section 629.98.)

629.72. Any person in any trial, hearing, or proceeding, may move to suppress some or all of the contents of any intercepted wire or electronic communications, or evidence derived therefrom, only on the basis that the contents or evidence were obtained in violation of the Fourth Amendment of the United States Constitution or of this chapter. The motion shall be made, determined, and be subject to review in accordance with the procedures set forth in Section 1538.5.

(Amended by Stats. 2010, Ch. 707, Sec. 14. (SB 1428) Effective January 1, 2011. Repealed as of January 1, 2025, pursuant to Section 629.98.)

629.74. The Attorney General, any deputy attorney general, district attorney, or deputy district attorney, or any peace officer who, by any means authorized by this chapter, has obtained knowledge of the contents of any wire or electronic communication, or evidence derived therefrom, may disclose the contents to one of the individuals referred to in this section, to any judge or magistrate in the state, and to any investigative or law enforcement officer as defined in subdivision (7) of Section 2510 of Title 18 of the United States Code to the extent that the disclosure is permitted pursuant to Section 629.82 and is appropriate to the proper performance of the official duties of the individual making or receiving the disclosure. No other disclosure, except to a grand jury, of intercepted information is permitted prior to a public court hearing by any person regardless of how the person may have come into possession thereof.

(Amended by Stats. 2010, Ch. 707, Sec. 15. (SB 1428) Effective January 1, 2011. Repealed as of January 1, 2025, pursuant to Section 629.98.)

629.76. The Attorney General, any deputy attorney general, district attorney, or deputy district attorney, or any peace officer or federal law enforcement officer who, by any means authorized by this chapter, has obtained knowledge of the contents of any wire or electronic communication, or evidence derived therefrom, may use the contents or evidence to the extent the use is appropriate to the proper performance of his or her official duties and is permitted pursuant to Section 629.82.

(Amended by Stats. 2010, Ch. 707, Sec. 16. (SB 1428) Effective January 1, 2011. Repealed as of January 1, 2025, pursuant to Section 629.98.)

629.78. Any person who has received, by any means authorized by this chapter, any information concerning a wire or electronic communication, or evidence derived therefrom, intercepted in accordance with the provisions of this chapter, may, pursuant to Section 629.82, disclose the contents of that communication or derivative evidence while giving testimony under oath or affirmation in any criminal court proceeding or in any grand jury proceeding, or in an administrative or disciplinary hearing involving the employment of a peace officer.

(Amended by Stats. 2019, Ch. 645, Sec. 1. (SB 439) Effective January 1, 2020. Repealed as of January 1, 2025, pursuant to Section 629.98.)

629.80. No otherwise privileged communication intercepted in accordance with, or in violation of, the provisions of this chapter shall lose its privileged character. When a peace officer or federal law enforcement officer, while engaged in intercepting wire or electronic communications in the manner authorized by this chapter, intercepts wire or electronic communications that are of a privileged nature he or she shall immediately cease the interception for at least two minutes. After a period of at least two minutes, interception may be resumed for up to 30 seconds during which time the officer shall determine if the nature of the communication is still privileged. If still of a privileged nature, the officer shall again cease interception for at least two minutes, after which the officer may again resume interception for up to 30 seconds to re-determine the nature of the communication. The officer shall continue to go online and offline in this manner until the time that the communication is no longer privileged or the communication ends. The recording device shall be metered so as to authenticate upon review that interruptions occurred as set forth in this chapter.

(Amended by Stats. 2010, Ch. 707, Sec. 18. (SB 1428) Effective January 1, 2011. Repealed as of January 1, 2025, pursuant to Section 629.98.)

629.82. (a) If a peace officer or federal law enforcement officer, while engaged in intercepting wire or electronic communications in the manner authorized by this chapter, intercepts wire or electronic communications relating to crimes other than those specified in the order of authorization, but that are enumerated in subdivision (a) of Section 629.52, grand theft involving a firearm, a violation of Section 18750 or 18755, or a violent felony as defined in subdivision (c) of Section 667.5, (1) the contents thereof, and evidence derived therefrom, may be disclosed or used as provided in Sections 629.74 and 629.76 and (2) the contents and any evidence derived therefrom may be used under Section 629.78 when authorized by a judge if the judge finds, upon subsequent application, that the contents were otherwise intercepted in accordance with the provisions of this chapter. The application shall be made as soon as practicable. (b) If a peace officer or federal law enforcement officer, while engaged in intercepting wire or electronic communications in the manner authorized by this chapter, intercepts wire or electronic communications relating to crimes other than those specified in subdivision (a), the contents thereof, and evidence derived therefrom, may not be disclosed or used as provided in Sections 629.74 and 629.76, except to prevent the commission of a public offense. The contents and any evidence derived therefrom may not be used under Section 629.78, except where the evidence was obtained through an independent source or inevitably would have been discovered, and the use is authorized by a judge who finds that the contents were intercepted in accordance with this chapter.

(c) The use of the contents of an intercepted wire or electronic communication relating to crimes other than those specified in the order of authorization to obtain a search or arrest warrant entitles the person named in the warrant to notice of the intercepted wire or electronic communication and a copy of the contents thereof that were used to obtain the warrant.

(d) (1) If a peace officer or federal law enforcement officer, while engaged in intercepting wire or electronic communications in the manner authorized by this chapter, intercepts wire or electronic communications relating to crimes, other than those specified in subdivision (a), and involving the employment of a peace officer, the contents thereof, and evidence derived therefrom, may not be disclosed or used as provided in Sections 629.74 and 629.76, except to prevent the commission of a public offense or in an administrative or disciplinary hearing involving the employment of a peace officer. The contents and any evidence derived therefrom may not be used under Section 629.78, except if the evidence was obtained through an independent source or inevitably would have been discovered, and the use is authorized by a judge who finds that the contents were intercepted in accordance with this chapter.

(2) This section does not authorize the use of an intercepted wire or electronic communication involving acts that only involve a violation of a departmental rule or guideline that is not a public offense under California law.

(3) If an agency employing peace officers utilizes evidence obtained pursuant to this subdivision in an administrative or disciplinary proceeding, the agency shall, on an annual basis, report both of the following to the Attorney General:

- (A) The number of administrative or disciplinary proceedings involving the employment of a peace officer in which the agency utilized evidence obtained pursuant to this subdivision.
- (B) The specific offenses for which evidence obtained pursuant to this subdivision was used in those administrative or disciplinary proceedings.

(4) (A) The Attorney General may issue regulations prescribing the form of the reports required to be filed pursuant to paragraph (3) by an agency utilizing intercepted wire or electronic communications in an administrative or disciplinary proceeding against a peace officer.

(B) The Attorney General shall include information received pursuant to paragraph (3) in its annual report made pursuant to Section 629.62.

(Amended by Stats. 2019, Ch. 645, Sec. 2. (SB 439) Effective January 1, 2020. Repealed as of January 1, 2025, pursuant to Section 629.98.)

629.84. Any violation of this chapter is punishable by a fine not exceeding two thousand five hundred dollars (\$2,500), or by imprisonment in the county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170, or by both that fine and imprisonment.

(Amended by Stats. 2011, Ch. 15, Sec. 427. (AB 109) Effective April 4, 2011. Operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68. Repealed as of January 1, 2025, pursuant to Section 629.98.)

629.86. Any person whose wire or electronic communication is intercepted, disclosed, or used in violation of this chapter shall have the following remedies:

- (a) Have a civil cause of action against any person who intercepts, discloses, or uses, or procures any other person to intercept, disclose, or use, the communications.
- (b) Be entitled to recover, in that action, all of the following:
  - (1) Actual damages but not less than liquidated damages computed at the rate of one hundred dollars (\$100) a day for each day of violation or one thousand dollars (\$1,000), whichever is greater.
  - (2) Punitive damages.
  - (3) Reasonable attorney's fees and other litigation costs reasonably incurred.

A good faith reliance on a court order is a complete defense to any civil or criminal action brought under this chapter, or under Chapter 1.5 (commencing with Section 630) or any other law.

(Amended by Stats. 2010, Ch. 707, Sec. 20. (SB 1428) Effective January 1, 2011. Repealed as of January 1, 2025, pursuant to Section 629.98.)

629.88. Nothing in Section 631, 632.5, 632.6, or 632.7 shall be construed as prohibiting any peace officer or federal law enforcement officer from intercepting any wire or electronic communication pursuant to an order issued in accordance with the provisions of this chapter.

Nothing in Section 631, 632.5, 632.6, or 632.7 shall be construed as rendering inadmissible in any criminal proceeding in any court or before any grand jury any evidence obtained by means of an order issued in accordance with the provisions of this chapter. Nothing in Section 637 shall be construed as prohibiting the disclosure of the contents of any wire or electronic communication obtained by any means authorized by this chapter, if the disclosure is authorized by this chapter. Nothing in this chapter shall apply to any conduct authorized by Section 633.

(Amended by Stats. 2010, Ch. 707, Sec. 21. (SB 1428) Effective January 1, 2011. Repealed as of January 1, 2025, pursuant to Section 629.98.)

629.89. No order issued pursuant to this chapter shall either directly or indirectly authorize covert entry into or upon the premises of a residential dwelling, hotel room, or motel room for installation or removal of any interception device or for any other purpose. Notwithstanding that this entry is otherwise prohibited by any other section or code, this chapter expressly prohibits covert entry of a residential dwelling, hotel room, or motel room to facilitate an order to intercept wire or electronic communications.

(Amended by Stats. 2010, Ch. 707, Sec. 22. (SB 1428) Effective January 1, 2011. Repealed as of January 1, 2025, pursuant to Section 629.98.)

629.90. An order authorizing the interception of a wire or electronic communication shall direct, upon request of the applicant, that a public utility engaged in the business of providing communications services and facilities, a landlord, custodian, or any other person furnish the applicant forthwith all information, facilities, and technical assistance necessary to accomplish the interception unobtrusively and with a minimum of interference with the services which the public utility, landlord, custodian, or other person is providing the person whose communications are to be intercepted. Any such public utility, landlord, custodian, or other person furnishing facilities or technical assistance shall be fully compensated by the applicant for the reasonable costs of furnishing the facilities and technical assistance.

(Amended by Stats. 2010, Ch. 707, Sec. 23. (SB 1428) Effective January 1, 2011. Repealed as of January 1, 2025, pursuant to Section 629.98.)

629.91. A good faith reliance on a court order issued in accordance with this chapter by any public utility, landlord, custodian, or any other person furnishing information, facilities, and technical assistance as directed by the order is a complete defense to any civil or criminal action brought under this chapter, Chapter 1.5 (commencing with Section 630), or any other law. (Added by Stats. 1995, Ch. 971, Sec. 10. Effective January 1, 1996. Repealed as of January 1, 2025, pursuant to Section 629.98.)

629.92. Notwithstanding any other provision of law, any court to which an application is made in accordance with this chapter may take any evidence, make any finding, or issue any order required to conform the proceedings or the issuance of any order of authorization or approval to the provisions of the Constitution of the United States, any law of the United States, or this chapter.

(Added by Stats. 1995, Ch. 971, Sec. 10. Effective January 1, 1996. Repealed as of January 1, 2025, pursuant to Section 629.98.)

629.94. (a) The Commission on Peace Officer Standards and Training, in consultation with the Attorney General, shall establish a course of training in the legal, practical, and technical aspects of the interception of private wire or electronic communications and related investigative techniques.

(b) The Attorney General shall set minimum standards for certification and periodic recertification of the following persons as eligible to apply for orders authorizing the interception of private wire or electronic communications, to conduct the interceptions, and to use the communications or evidence derived from them in official proceedings:

(1) Investigative or law enforcement officers.

(2) Other persons, when necessary, to provide linguistic interpretation who are designated by the Attorney General, Chief Deputy Attorney General, or Chief Assistant Attorney General, Criminal Law Division, or the district attorney, or the district attorney's designee and are supervised by an investigative or law enforcement officer...

629.96. If any provision of this chapter, or the application thereof to any person or circumstances, is held invalid, the remainder of the chapter, and the application of its provisions to

other persons or circumstances, shall not be affected thereby" (

PENAL CODE - PEN

PART 1. OF CRIMES AND PUNISHMENTS [25 - 680.4] ( Part 1 enacted 1872. )

TITLE 9. OF CRIMES AGAINST THE PERSON INVOLVING SEXUAL ASSAULT, AND CRIMES AGAINST PUBLIC DECENCY AND GOOD MORALS [261 - 368.7] ( Heading of Title 9 amended by Stats. 1982, Ch. 1111, Sec. 2. )

CHAPTER 7. Of Crimes Against Religion and Conscience, and Other Offenses Against Good Morals [302 - 310.5] ( Chapter 7 enacted 1872. )

302. (a) Every person who intentionally disturbs or disquiets any assemblage of people met for religious worship at a tax-exempt place of worship, by profane discourse, rude or indecent behavior, or by any unnecessary noise, either within the place where the meeting is held, or so near it as to disturb the order and solemnity of the meeting, is guilty of a misdemeanor punishable by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment in a county jail for a period not exceeding one year, or by both that fine and imprisonment...

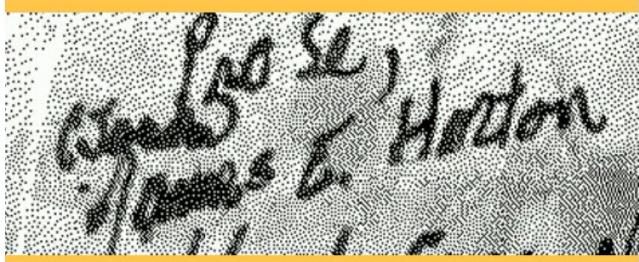
Wherefore, it is in the interest of justice obligatory upon said court prima-facie according to law applicable to meet Claimant's Lawful and Just demands for discovery compulsion as above by order to all relevant parties as described.

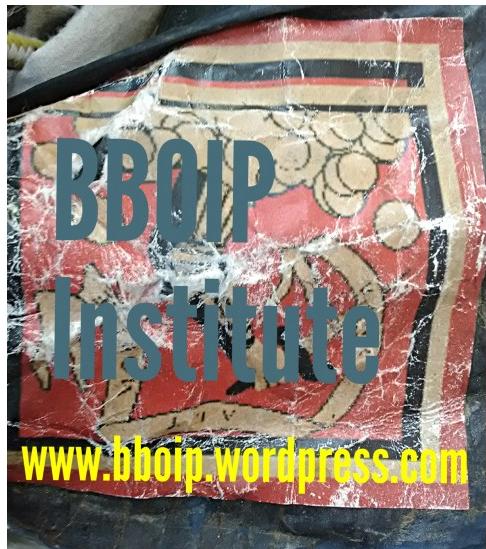
I declare, in full, good faith, that the foregoing is true and correct.

Date: \_\_\_\_\_

Sincerely,

James E. Horton, Pro se, In Forma Pauperis

A handwritten signature in black ink, appearing to read "James E. Horton", is placed over a yellow rectangular background. The signature is somewhat stylized and cursive.



### Oath - Statement of Testimonial Credibility and Faithfulness

All accounts of my own authorship, upon which I based Parol-Testimony of the Logotank by its Unreliable Marxist Phenomena are Completely & Sound Interferences and Discrepancies in Correspondence with an Excessive wealth of Experimental Witness throughout Continuity of MY LIFE to my MATURE AGE. They ALL are Completely proven to myself, Immeasurably "Beyond All Reasonable Doubt" to even beyond full-measure of standards of Proof and with the Sonest of SOUNDMIND. They are ALL, TOTALLY, OBJECTIVELY FACTUAL. They ARE NOT verbatim Reliance upon any such said testimony witnessed. I AM MOST CERTAIN OF ALL OF THEM possessing knowledge of Evidence thoroughly SUPPORTING.

[Sad evidence, however, cannot practically, and as constant rule, be reiterated REDUNDANTLY. (It is not SOUND, by Orthodoxy in the Field, to Accumulate a "Book of the Ages" to Confusion as do my Treacherous and Onerous Opponents. I AM AWARE of another Conspiratorial Complication: Many Logotank parties (for example: Megan O'Sullivan, former Deputy National Security Advisor, has past associations as a satanic high-priestess in guild with my biological relatives; and one "Yasmine," a Cleric-tong member of Woodland, CA, here Logotank - Counterfeiting my authorship, from Stolen Intellectual Property and Protected Work product at Logotank Racketeers. This I have previously asserted concerning "Not. 15 and Infects of the Logotank." Above statement certainly does not apply to these products authorships or counterparts. I effort to maintain faithful record to which I attest claim of my own authorship, via this website.)]

Jacob (James E. Horton)

Jacob (James E. Horton)  
Executive Officer, Self-practicing and Pro se

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By Publishing this website, I, Jacob (the Centrally Targeted Figure), only intends: 1. the distribution / disseminat-  
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Service of my own produced documents  
for Just Actions under Oppressive Vi-  
olencies. [For example: Organized Crime  
Saturation within Federal Agencies has  
targeted myself with Postal Theft (extorting etc...)  
in its Conspiracy to Commit Various Unconst-  
itutional Violations, with Malice Intent,  
to Deprive Fundamental Rights of Due Process  
and Redress Rephetabry Deficiency. I  
possess proof.]

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Jacob (James E. Horton), Self-Practicing Executive Officer

Jacob (James E. Horton)